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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
(DALLAS DIVISION)**

In re:	§	CASE NO. 23-31749-swe7
	§	
MICHAEL LEROY KEARL,	§	Chapter 7
	§	
Debtor.	§	
	§	
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LACORE ENTERPRISES, LLC and	§	Adversary No.: 23-03093-swe
LINK BIOSCIENCES, INC. f/k/a LINK	§	
BIOSCIENCES, LLC,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
MICHAEL LEROY KEARL	§	
	§	
Defendant.	§	

**PLAINTIFFS LACORE ENTERPRISES, LLC AND LINK BIOSCIENCES, INC.'S
MOTION FOR DEFAULT JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Plaintiffs LaCore Enterprises, LLC and Link Biosciences, Inc. f/k/a Link Biosciences, LLC and would show the Court as follows:

1. Plaintiffs filed the Original Complaint in this matter on November 20, 2023. [Doc. 1].

2. Defendant was served with the summons and complaint on December 30, 2023. [Doc. 4 & 8].

3. Defendant's bankruptcy counsel was served with the complaint on November 20, 2023, and the summons and the complaint on April 26, 2024. [Doc. 8].

4. Defendant has not appeared in the case.

5. The Clerk of the Court made an Entry of Default against Defendant on November 20, 2024. [Doc. 9 & 10].

6. Defendant is not an infant, incompetent, or entitled to relief under the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq, as amended). *See* Appendix Tab 35 & 36.

7. By filing the voluminous frivolous counterclaims dismissed by the Dallas Court of Appeals, Kearn willfully and maliciously damaged and/or injured Plaintiffs in the form of expenses, costs and attorneys' fees. Plaintiffs have been damaged in the amount of \$163,667.50, and have incurred no less than \$1,542.50 in costs associated with Kearn's conduct in filing, prosecuting and defending on appeal the voluminous frivolous counterclaims. In addition, Kearn should be sanctioned the amount of \$163,667.50 pursuant to TEX. CIV. PRAC. & REM. CODE § 27.009(a)(2) to discourage Kearn from filing similar frivolous and abusive counterclaims in the future.

8. This Court should find the injury as a result of Kearn's actions to be nondischargeable pursuant to 11 U.S.C. § 523(a)(6).

9. In support of this Plaintiffs' motion for default judgment, Plaintiffs file a Brief in

support of same and Plaintiffs rely upon the evidence included in the *Appendix in Support of Plaintiffs LaCore Enterprises, LLC and Link Biosciences, Inc.'s Motion for Default Judgment*.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Movants LaCore Enterprises, LLC and Link BioSciences, LLC respectfully request that the Court:

- A. Grant *Plaintiffs Lacore Enterprises, LLC and Link BioSciences, Inc.'s Motion for Default Judgment*;
- B. Enter default judgment in favor of Plaintiffs LaCore Enterprises, LLC and Link BioSciences, Inc. against Michael Leroy Kearl in the amount of \$163,667.50, plus sanctions in the amount of \$163,667.50, plus costs and fees in an amount not less than \$1,542.50, which shall bear post-judgment interest at the legal rate thereon until paid.
- C. Determine that the above judgment amount is non-dischargeable pursuant to 11 U.S.C. §523(a)(6); and,
- D. Such other and further relief, in law or in equity, that Movants may show themselves to be justly entitled to receive.

Dated: October 28, 2024.

Respectfully Submitted,

By: /s/ Carlisle A. Braun
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